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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,848	01/11/2006	Michael J. Miles	115667-008	5017
29159 7590 11/30/2007 BELL, BOYD & LLOYD LLP P.O. Box 1135 CHICAGO, IL 60690			EXAMINER RENWICK, REGINALD A	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 11/30/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATENTS@BELLBOYD.COM

## Office Action Summary

Application No.

10/539,848

Applicant(s)

MILES ET AL.

Examiner

Reginald A. Renwick

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 10/31/2005; 2/13/2006
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The Information Disclosure Statement has been fully considered for review of the instant application.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 13, 6- 14, 16-22, 25- 32, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughs-Baird et al. (U.S. Patent No. 7,210,997).

Re claim 1: Hughs-Baird discloses a gaming device comprising (Abstract): a primary game including a plurality of reels and a plurality of symbols on the reels and each of said reels including a plurality of said symbols wherein at least one of said symbols is a modifier activator symbol (column 3, lines, 61-67); a plurality of different modifiers (column 2, lines 34-36; column 3, lines 58-60), and a processor operable to cause the reels to activate and display at least one of said symbols (column 2, lines 44-60) provide a player any award based on the displayed symbols, select one of the plurality of modifiers if said modifier activator symbol is displayed (column 11, lines 10-19), ,

wherein the modified function of the primary game is based on the activated modifier (column 11, lines 10-19). Hughs-Baird fails to disclose that However the examiner believes that because Hughs-Baird contains the structural limitations of the disclosed instant application, the procedural application of the structural components of the device would have been obvious to one skilled in the art to perform as it is a simple matter of design choice.

Re claim 2: The gaming device of claim 1, wherein a plurality of said symbols are modifier activator symbols (column 2, lines 34-44).

Re claim 3: The gaming device of claim 1, wherein the processor is operable to select one of the plurality of modifiers if a plurality of modifier activator symbols are displayed (column 3, lines, 61-67; column 4, lines 1-7).

Re claim 6: Hughs-Baird fails to disclose an active modifier counter however the examiner believes that it is obvious to try to include an active modifier counter associated with each of the modifiers to the device of Hughs-Baird for the purpose of limiting the amount of bonuses a player can achieve.

Re claim 7: Hughs-Baird discloses that the processor is operable to select one of the plurality of modifiers if said modifier activator symbol is displayed, but does not disclose

that the event occurs when no modifiers are selected. However, because Hughs-Baird discloses the structural limitations of the instant application, any procedural modification to the prior art is a design choice by the inventor, and it would have been obvious to modify the invention of Hughs-Baird for adding an added game element to the device that would increase game excitement.

Re claim 8: Hughses-Baird discloses that the gaming device of claim 1, which includes a modifier generator displayed to the player that includes said plurality of modifiers (column 2, lines 26-29).

Re claim 9: Hughes-Baird dislcoes that the gaming device of claim 8, wherein said processor is operable with the modifier generator to select one of the plurality of modifiers (column 2, lines 55-57; column 3, lines, 61-67; column 4, lines 1-7);

Re claim 10: Hughs-Baird discloses that the processor is operable to select one of the plurality of modifiers if said modifier activator symbol is displayed, but does not disclose that the event occurs when no modifiers are selected. However, because Hughs-Baird discloses the structural limitations of the instant application, any procedural modification to the prior art is a design choice by the inventor, and it would have been obvious to modify the invention of Hughs-Baird for adding an added game element to the device that would increase game excitement.

Re claim 11: Hughs-Baird discloses the gaming device of claim 9, wherein said selected modifier is activated if said modifier activator symbol is displayed (column 11, lines 10-17; column 12, lines 55-67; column 13, 1-5).

Re claim 12: Hughs-Baird discloses the gaming device of claim 8, wherein said modifier generator selects at least one modifier for each activation of the reels (column 11, lines 10-19).

Re claim 18: The limitations of claim 18 have been fully met by the combination of the limitations of claims 1-17.

Re claim 19: The examiner believes that because Hughs-Baird discloses the structural limitations of claimed limitation, it would have been obvious to one skilled in the art to modify the procedural steps due to design choice.

Re claim 20 and 37: The limitations of claim 20 have been met by the combination of claims 11-17.

Re claim 21 Hughs-Baird discloses the gaming device of claim 20, wherein a plurality of said symbols are modifier activator symbols (column 11, lines 10-12).

Re claim 22: Hughs-Baird discloses the gaming device of claim 20, wherein the

processor is operable to select one of the plurality of modifiers if a plurality of modifier activator symbols are displayed (column 3, lines, 61-67; column 4, lines 1-7).

Re claim 25: Hughs-Baird fails to disclose an active modifier counter however the examiner believes that it is obvious to try to include an active modifier counter associated with each of the modifiers to the device of Hughs-Baird for the purpose of limiting the amount of bonuses a player can achieve.

Re claim 26: Hughs-Baird discloses that the processor is operable to select one of the plurality of modifiers if said modifier activator symbol is displayed, but does not disclose that the event occurs when no modifiers are selected. However, because Hughs-Baird discloses the structural limitations of the instant application, any procedural modification to the prior art is a design choice by the inventor, and it would have been obvious to modify the invention of Hughs-Baird for adding an added game element to the device that would increase game excitement.

Re claim 27: Hughs-Baird discloses a modifier generator area displayed to the player that includes said plurality of modifiers (column 7, lines 34-40).

Re claim 28: Hughs-Baird discloses the he gaming device of claim 27, wherein said processor is operable with the modifier generator to select one of the plurality of modifiers (column 3, lines, 61-67; column 4, lines 1-7).

Re claim 29: Hughs-Baird discloses that the processor is operable to select one of the plurality of modifiers if said modifier activator symbol is displayed, but does not disclose that the event occurs when no modifiers are selected. However, because Hughs-Baird discloses the structural limitations of the instant application, any procedural modification to the prior art is a design choice by the inventor, and it would have been obvious to modify the invention of Hughs-Baird for adding an added game element to the device that would increase game excitement.

Re claim 30. Hughs-Baird discloses that modifier is activated if said modifier activator symbol is displayed (column 11, lines 11-19).

Re claim 31: Hughs-Baird discloses the The gaming device of claim 27, wherein said modifier generator selects at least one modifier for each play of the primary wagering game. The processor automatically selects the modifier that is associated with the triggering wheel comprising of a die symbol. (column 3, lines, 61-67; column 4, lines 1-7).

Re claim 32: Hughs-Baird discloses the gaming device of claim 31, wherein said selected modifier is activated if said modifier activator symbol is displayed (column 11, lines 1-19).



Re claim 36: Hughs-Baird discloses that a plurality of said modifiers are each associated with a game occurrence, however Hughs-Baird fails to disclose that it is related different pluralities of subsequent plays of the primary wagering game. However, Webb discloses that a the modifier is activated until a terminator symbol occurs.

Re claim 38 and 47: The limitations of claim 38 has been addressed by the combination of claim 1 and the subsequent dependent claims 1-9.

Re claim 39: Hughs-baird discloses a plurality of said symbols are modifier activator symbols (column 2, lines 34-44).

Re claim 40: Hughs-Baird fails to disclose the step of indicating any modifier that is currently activated and the plurality of remaining subsequent plays of the primary wagering game that the modifier will be activated. However Webb discloses that a modifier is active until a terminator symbol is displayed (Abstract).

Re claim 42: Hughs-Baird fails to disclose that each modifier is associated with the same plurality of subsequent activations of the reels. However Webb discloses such (Abstract).

Re claim 43. The method of claim 38, wherein a plurality of said modifiers are each

associated with a different plurality of subsequent activations of the reels<sup>7</sup>. The gaming device of claim 1, wherein said processor is operable to select one of the plurality of modifiers if said modifier activator symbol is displayed (column 3, lines, 61-67; column 4, lines 1-7); and no modifiers are currently activated. Hughs discloses that at the start of a reel spin, no modifiers are activated due to a termination of the award indication process for previous award. (column 3, lines, 61-67); a modifier generator displayed at the player that includes said plurality of modifiers (Object 37)

Re claim 44: Hughs-Baird discloses that more than one modifier can be activated by a die symbol however, Hughes-Baird fails to disclose the step of indicating any modifier that is currently activated and the plurality of remaining subsequent plays of the primary wagering game that the modifier will be activated. However Webb discloses that a modifier is active until a terminator symbol is displayed (Abstract).

Re claim 45 and 46: Hughs-Baird discloses method of claim 47, which is provided to the player through a data network wherein the data network is an internet (column 8, lines 3-11).

Re claim 48. Hughs-Baird discloses that in any game situation that displays an activator symbol, the modifiers will sequentially be activated. Thus activating the modifiers in subsequent plays are disclosed by Hughs-Baird (Abstract).

Re claim 49 and 51: Hughs-Baird fails to disclose the step of indicating any modifier that is currently activated and the plurality of remaining subsequent plays of the primary wagering game that the modifier will be activated. However Webb discloses that a modifier is active until a terminator symbol is displayed (Abstract).

Re claim 52: Hughs-Baird discloses that multiple modifiers are associated with a game event however, Hughs-Baird does not disclose that the modifiers are associated with a different plurality of subsequent plays of the primary wagering game. However, Webb discloses that the modifier is associated with a primary wagering game outcome until a terminator has been detected (Abstract).

Re claim 53 and 54 Hughes-Baird discloses method of claim 47, which is provided to the player through a data network wherein the data network is an internet (column 8, lines 3-11).

1. Claims 4, 5, 16, 17, 23, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughs-Baird in view of Webb (U.S. PGPUB 2003/0060265).

Re claim 4: Hughs-Baird fails to disclose the step of indicating any modifier that is currently activated and the plurality of remaining subsequent plays of the primary wagering game that the modifier will be activated. However Webb discloses that a

modifier is active until a terminator symbol is displayed (Abstract). It would have been obvious to one skilled in the art to allow players to play a game until the terminator symbol appears for the purpose of adding increased excitement to the game.

Re claim 5: Hughs-Baird significantly meets the limitations of claim 5 except for disclosing that each activated modifier is applied for each of the subsequent activations of the reels that are associated with said activated modifier. Webb discloses that an activated modifier is applied for each of the subsequent activations of the reels until a terminator event is

Re claim 16: Hughs-Baird fails to disclose the step of indicating any modifier that is currently activated and the plurality of remaining subsequent plays of the primary wagering game that the modifier will be activated. However Webb discloses that a modifier is active until a terminator symbol is displayed (Abstract).

Re claim 17: Hughs-Baird discloses that a plurality of modifiers can be associated with a given game event, however Hughs-Baird does not disclose that a plurality of said modifiers are each associated with a different pluralities of subsequent activations of the reels. Webb discloses such (Abstract).

Re claim 23: Hughs-Baird fails to disclose the step of indicating any modifier that is currently activated and the plurality of remaining subsequent plays of the primary

wagering game that the modifier will be activated. However Webb discloses that a modifier is active until a terminator symbol is displayed (Abstract).

Re claim 24: Hughs-Baird fails to disclose that the processor is operable to apply a plurality of activated modifiers to modify a plurality of functions of the primary wagering game, wherein each activated modifier is applied for each of the subsequent plays of the primary wagering game that are associated with said activated modifier. Webb discloses such (Abstract).

Re claim 35: Hughs-Baird fails to disclose the step of indicating any modifier that is currently activated and the plurality of remaining subsequent plays of the primary wagering game that the modifier will be activated. However Webb discloses that a modifier is active until a terminator symbol is displayed (Abstract).

2. Claim rejected under 35 U.S.C. 103(a) as being unpatentable over Baerlocher (U.S. Patent 6,692,355).

Re claim 34: Hughs-Baird fails to disclose that the processor is operable to enable the player to select at least one of the modifiers. However, Baerlocher allows players to select new modifiers when they are not satisfied with the value of the modifier (column 9, lines 54-67). It would have been obvious to one skilled in the bonus modifier of

Baerlocher with the bonus modifier of Hughs-Baird for the purpose of allowing increased interaction for players.

Re claim 41: Hughs-Baird fails to disclose enabling the player to select at least one of said modifiers. However, Baerlocher discloses that the player is allowed to select a modifier when they are not satisfied with their current modifier (column 9, lines 54-67).

Re claim 50. The method of claim 47, wherein the player is enabled to select at least one of the modifiers. Baerlocher discloses allowing the player to select a new multiplier when the player wants a modifier with a higher value (column 9, lines 54-67).

3. Claims 14, 15 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughs-Baird in view of Glavich et al (U.S. Patent No. 6,634,945).

Re claim 14: Hughs-Baird fail to disclose that the modifier generator includes a modifier reel. Therefore attention must be directed towards Glavich et al. which discloses the use of modifier reels (column 8, lines 25-39). It would have been obvious to one skilled in the art to utilize a wheel as disclosed by Glavich et al/. for the purpose of displaying modifiers.

Re claim 15: Hughs-Baird fails to disclose that the processor is operable to enable the player to select at least one of the modifiers. Glavich discloses that the player selects which activator wheels to activate (column 13, lines 15-20)

Re claim 33: Hughs-Baird fail to disclose that the modifier generator includes a modifier reel. Therefore attention must be directed towards Glavich et al. which discloses the use of modifier reels (column 8, lines 25-39).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald A. Renwick whose telephone number is 571-270-1913. The examiner can normally be reached on Monday-Friday, 7:30AM-5:00PM, Alt Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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11/26/2007  
Reginald Renwick



**XUAN M. THAI**  
**SUPERVISORY PATENT EXAMINER**